vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5341 OF 2005

The State of Maharashtra & Ors. ... Petitioners

V/s.

Santosh Eknath Chavan ... Respondent

Mr.S.K. Chinchalikar, AGP, for Petitioners
Mr.R.D. Suryawanshi for Respondent

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **JULY 9, 2007**

P.C.:

. The petition challenges the order of the Industrial Court passed in Complaint (ULP) No.465 of 1993. By this order, the Industrial Court has allowed the complaint and held that the petitioners had indulged in an unfair labour practice under Items 6 and 9 of Schedule IV of the MRTU & PULP Act. It is submitted on behalf of the Petitioners that the respondent is appointed on a temporary basis and that he was required to be made permanent after a regular selection in accordance with the procedure laid down. The Industrial Court observed that a Government Resolution was on record before the Court indicating that the Regional Selection Board which undertook the selection to the post in which the respondent was working in the Health Services was abolished. Admittedly, the respondent

workman has completed 240 days in service. He has been in service from 1984 without a break. The Industrial Court has, therefore, rightly held that unfair labour practices under Items 6 and 9 have been committed by the petitioner. However, the Industrial Court had directed that the petitioners should make the respondent permanent from 13.6.1991 although his complaint was filed in 1993. This date must be modified and the Petitioners shall grant permanency to the respondent from the date of filing the complaint i.e., 13.12.1993. With this modification, petition is dismissed.